

# Willamette Builders Group at Grand Oaks, LLC

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MAY 21 2004

Community Development

Kelly Schlesener  
Planning Manager  
City of Corvallis  
501 SW Madison Ave  
Corvallis, OR 97330

Dear Ms Schlesner,

I have enclosed a request for enforcement letter and exhibits for Grand Oaks Multi Family. If you have any questions, please contact me at 503-224-0022.

Thank You,

Brent Keys  
Willamette Builders Group

May 19, 2004

**VIA UPS EXPRESS PRIORITY**

Kelly Schlesener  
Planning Manager  
City of Corvallis  
501 SW Madison Ave  
Corvallis, OR 97330

**RE: Grand Oaks Multifamily Phase 2 — Request for Enforcement**

Ms Schlesener:

This letter is to request assistance from the Planning and Development Services Departments in completing Phase 2 of the Grand Oaks Multifamily Project.

As you know, the Grand Oaks Multifamily project was originally designed as a single project. The construction drawings were originally approved in May of 1999. The project was subsequently built, however, in two phases, by two different developers. Phase 1 was developed by Grand Oaks Apartment Associates, LLC/American Property Management ("APD") and Phase 2 is currently being developed by my company, Willamette Builders Group at Grand Oaks, LLC ("WBG").

Construction of Phase 2 began in the fall of last year. Figure 1 shows the common property boundary between the two projects. Multiple issues have arisen where the projects were designed to tie into each other. We have attempted to work with APD to address the issues in a "good neighbor" fashion, but APD has thus far refused to cooperate. If APD continues to refuse to address the issues, WBG will be prevented from completing our project to the requirements of the Planned Development (PD) and the relevant Conditions of Approval.

The outstanding issues, are as follows:

**A. Storm water main in the SE parking area (see Figures 2a and 2b):**

The original design of the parking area connecting the two projects (Figure 2a) shows two (2) catchbasins and 100 lineal feet of storm drain that was to traverse the parking area. This storm line, the location of the catchbasins, and the grading of the parking areas was critical to the interconnection of the two phases, and was omitted by APD.

The Phase 1 developer placed the catchbasins at different locations than the original design and the interconnecting storm main was omitted. Both of the catchbasins from the APD property were allowed to surface discharge onto WBG's property. Figure 2b shows the storm line as it has been revised in the field to accommodate the errors from the first phase of development.

To date, APD has refused to cooperate with WBG for connections of their catchbasins to their storm drain system, and continues to allow surface drainage to flow onto WBG property. WBG has offered to grant an easement to APD for the connection of the catchbasins, when the connections are made but WBG is not receiving similar courtesies in return.

B. Sidewalk along the open space tract, South Parking Area

As shown on Figure 1, the sidewalk along the open space to the south of the parking area is entirely on APD property. For unknown reasons, APD has refused to grant WBG reasonable access to their property so WBG can complete the sidewalk as shown on the plans.

C. Retaining wall and Stairs in SW corner

As shown in Figure 1, and again in Figure 3, the retaining wall that needs to be built in the SW corner of the WBG property is partially on APD's property. The connecting staircase is entirely on APD property and should have been constructed by APD. As APD has not been willing to grant construction easements, this portion of the work cannot be completed.

Additionally, in the course of our field work, we have discovered that the APD building near the retaining wall (Bldg No. 8) has not been constructed in the location approved on the plans. As shown on Figure 3, the building has been constructed several feet closer to the retaining wall. As a result, the wall design will need to be modified to accommodate the building location.

Because of the above issues, we hereby request your IMMEDIATE assistance in this matter. WBG has demonstrated good-neighbor policies towards APD, but they have yet to receive any similar courtesies in return. WBG needs immediate access to the small amount of land in question (which is an unimproved hillside area) to connect APD's storm water main and construct the sidewalk, stairs, and retaining wall improvements. We would also appreciate your confirmation that APD is required to pay their fair share of these improvements pursuant to the original plan.

*Kelly Schlesener*  
*Grand Oaks Multifamily Phase 2*

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May 10, 2004

I greatly appreciate your anticipated assistance, and please contact me with any questions as soon as possible. You may contact me at our Portland office at (503) 224-0022, via my cell number (503) 849-4977, or you may contact our legal counsel, Thomas Arenz, who I've courtesy copied on this correspondence and who is up to speed on this matter as well. Thank you.

Sincerely,

WILLAMETTE BUILDERS GROUP AT GRAND OAKS, LLC



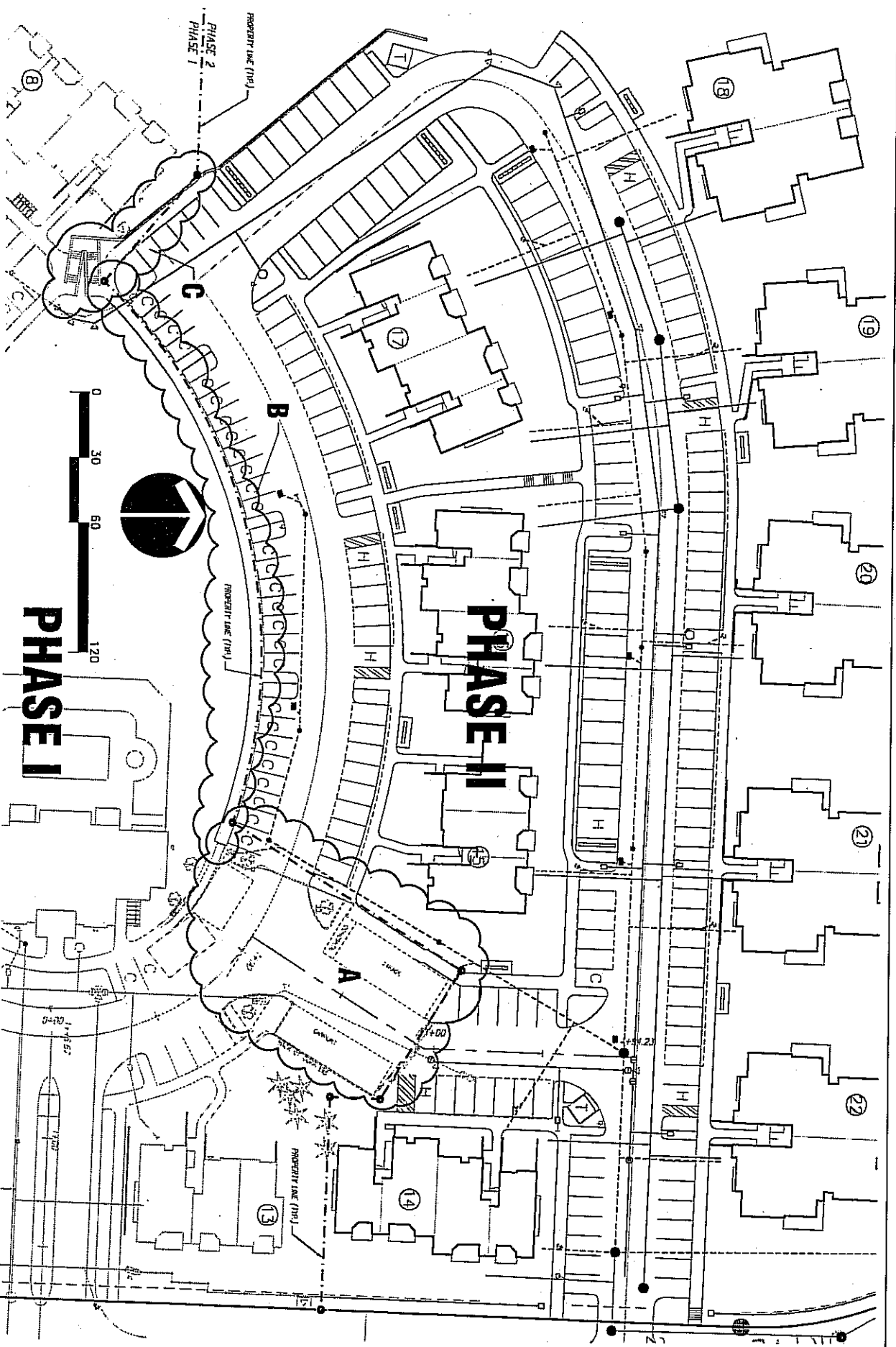
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Brent E. Keys, Manager

*Kelly Schlesener*  
*Grand Oaks Multifamily Phase 2*

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*May 10, 2004*

Cc: Thomas J. Arenz, Esq. (w/enclosures)



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# Grand Oaks Multifamily II

Corvallis, Oregon  
Phase I/Phase II

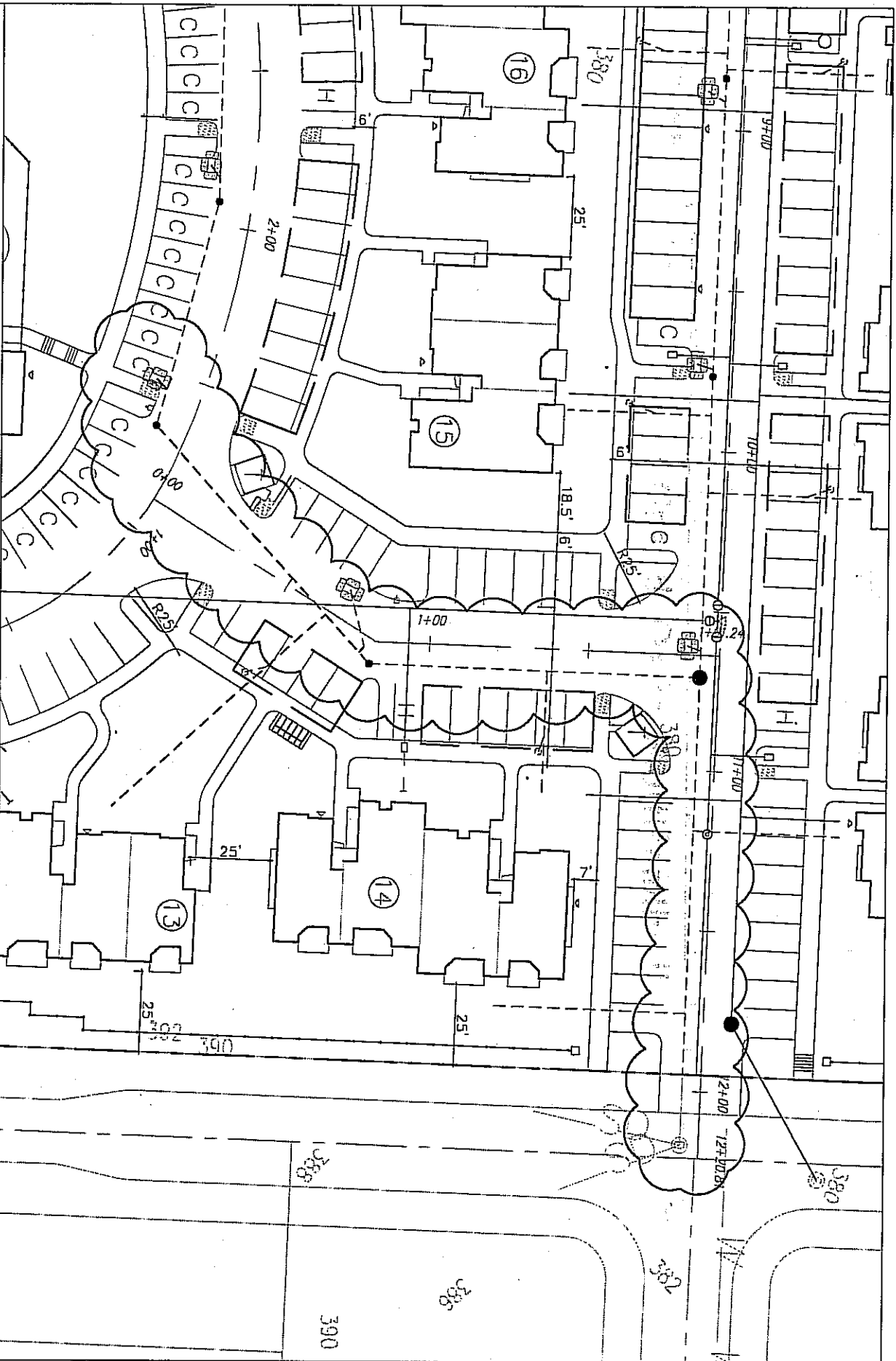
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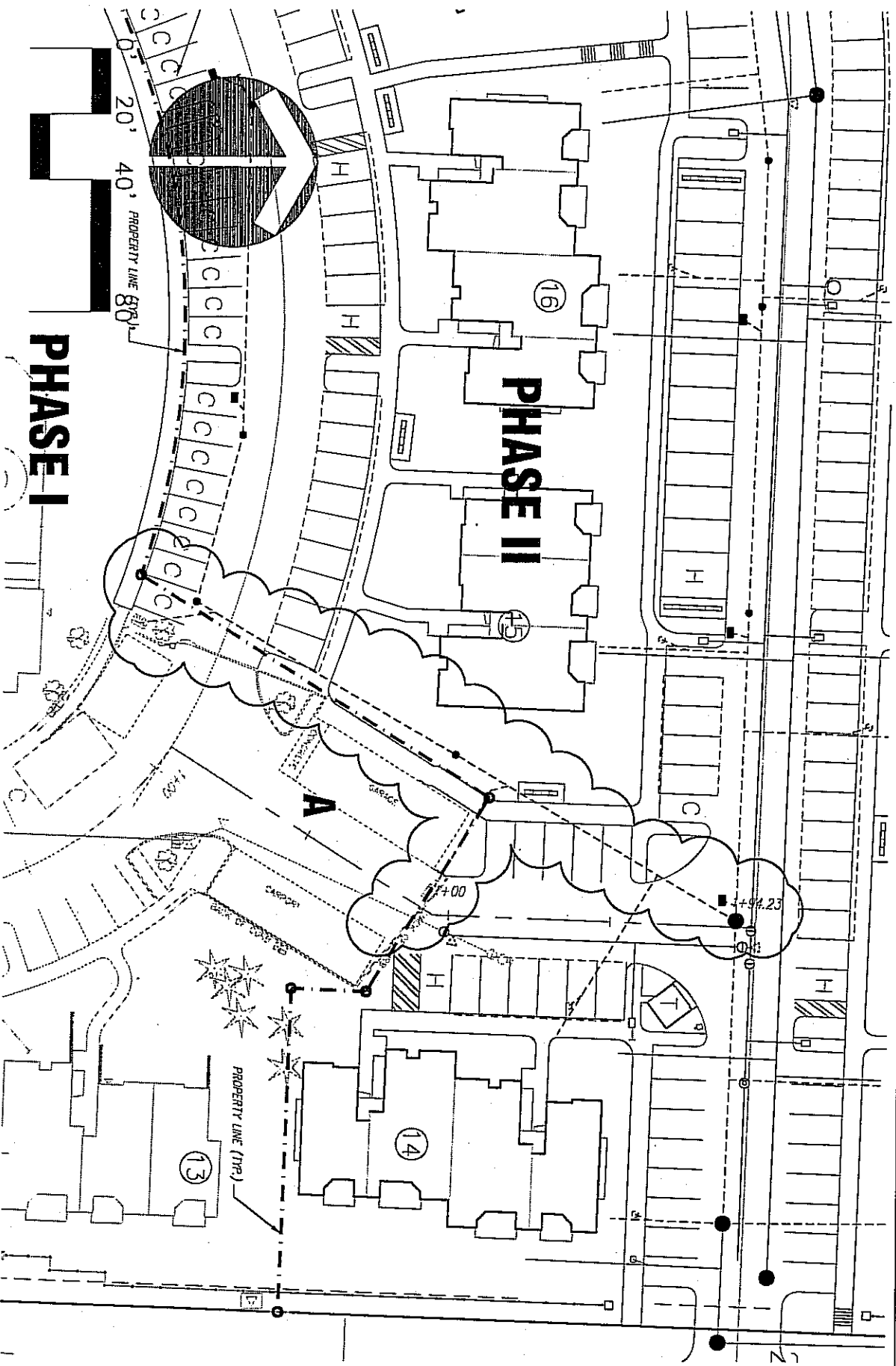
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Project No.: 11507A

Sheet No. **Figure 3**

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# Grand Oaks Multifamily II

Corvallis, Oregon

Phase I/Phase II

Date: 03/23/04

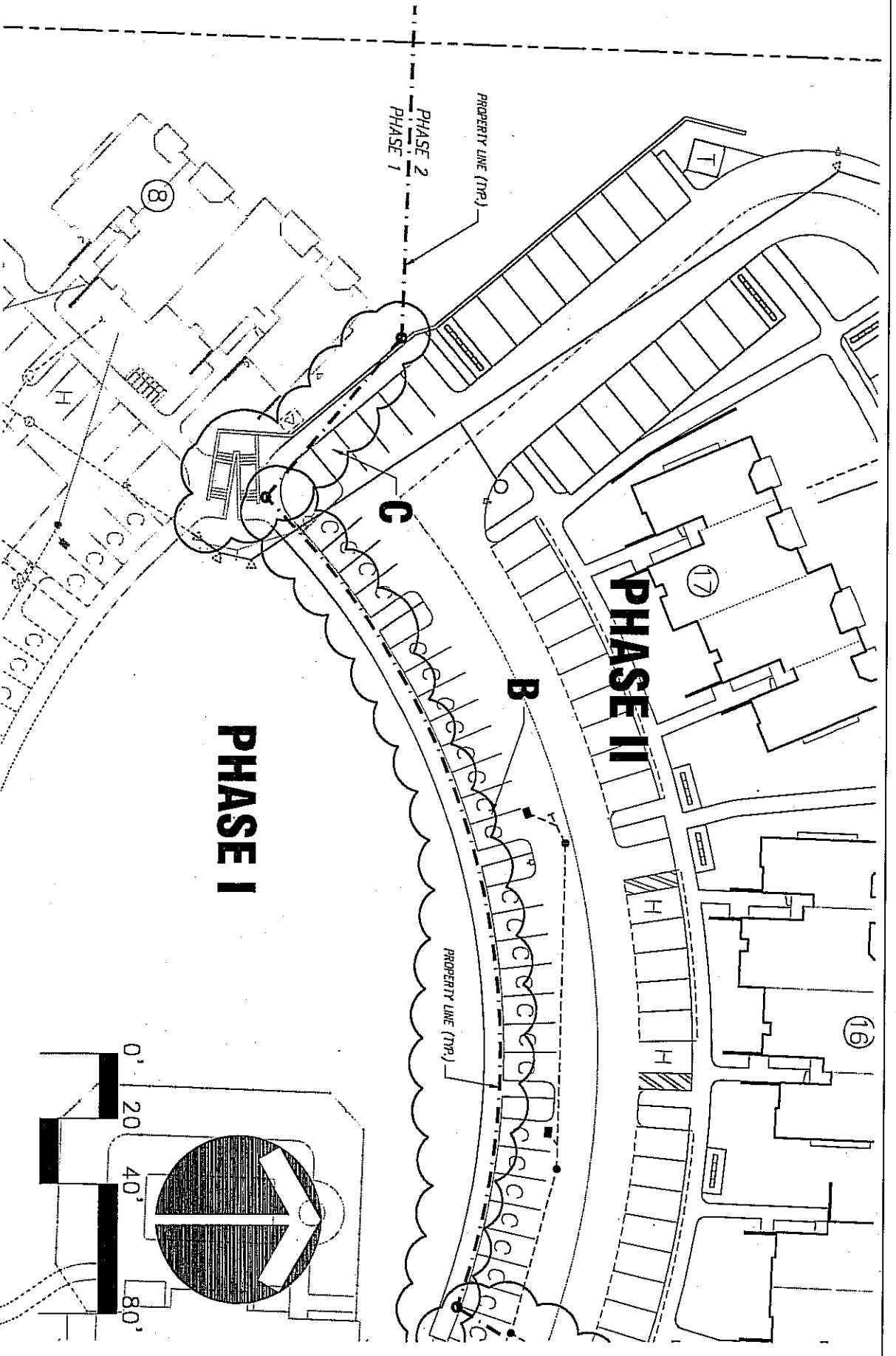
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Project: 11507A

Sheet No. **Figure 3**

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Corvallis, Oregon

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